

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES & EXCHANGE
COMMISSION,

Plaintiff,

- against -

BRIAN K. KISTLER *and* NEW OPPORTUNITY
BUSINESS SOLUTIONS, INC.,

Defendants.

ORDER

22-cv-10657 (ER)

RAMOS, D.J.:

The Securities and Exchange Commission (SEC) previously asked the Court to enter proposed consent judgments against defendants Brian K. Kistler and New Opportunity Business Solutions, Inc. (NOBS). Doc. 54. The SEC has now withdrawn that request as to NOBS, Doc. 58, which is a corporation and is not represented by counsel in this matter, *see* Doc. 55. Additionally, Kistler has asked the Court to amend his consent judgment to remove the civil penalty in light of the Supreme Court's decision in *SEC v. Jarkey*, 603 U.S. ---, --- S. Ct. ---, No. 22-859, 2024 WL 3187811 (U.S. June 27, 2024). Doc. 56. Otherwise, Kistler requests that the consent judgment be set aside.

Id.

The Court agrees with the SEC that Kistler has not identified any basis for the Court to remove the civil penalty from the consent judgment. *See* Doc. 58. Kistler's request is therefore DENIED.

The parties are directed to meet and confer to discuss how the case should proceed. The Court will hold a telephonic status conference on July 25, 2024, at 11:00 a.m. The parties are directed to dial 877-411-9748 and enter access code 3029857# when prompted.

It is SO ORDERED.

Dated: July 9, 2024
New York, New York



EDGARDO RAMOS, U.S.D.J.